

14. 05.04.2019

Heard learned counsel for the parties.

By way of this petition, petitioner seeks appointment of an independent Arbitrator by this Court.

It is submitted that as per the terms and conditions of the contract, the opposite party referred the matter to the one Arbitrator at Kolkata in the year 2001.

Be that as it may, it is submitted that in the meantime the said Arbitrator has concluded the proceeding and passed the award during pendency of this Arbitration Petition, which is not permissible.

In view of the fact that in the meantime the award has already been passed by the Arbitrator appointed at Kolkata, no further order is required to be passed in this Arbitration Petition. However, if the petitioner is aggrieved by the said award, it is open for him to challenge the same before the appropriate forum.

The MJC is accordingly disposed of.

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(K.S. Jhaveri)
Chief Justice